

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

RARE BREED TRIGGERS, LLC; RARE
BREED FIREARMS, LLC; LAWRENCE
DEMONICO; KEVIN MAXWELL,

Defendants.

1:23-CV-00369
(NRM) (RML)

**THE UNITED STATES OF AMERICA'S
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION *IN LIMINE* TO
PRECLUDE DEFENDANTS FROM RAISING IRRELEVANT AND PREJUDICIAL
INSINUATIONS AGAINST THE UNITED STATES' EXPERT WITNESS**

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July 26, 2023

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On July 20, 2023, the United States filed a motion *in limine* to preclude defendants from (1) raising irrelevant and prejudicial insinuations against the United States' firearms expert, Anthony L. Ciravolo, a Firearms Enforcement Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); and (2) introducing a declaration from an individual named Douglas Hill. *See* Dkt. 89 (Motion *in Limine*). Late last evening, on July 25, Defendants filed the declaration of Douglas Hill. *See* Dkt. 107-3. That declaration concerns the issues that the United States raised in its July 20 Motion *in Limine*.

This memorandum is a supplement to the Motion *in Limine* to address Mr. Hill's declaration. That the United States must prepare and file this supplemental memorandum is distressing, to say the very least. Defendants have conjured up allegations of violence, crime syndicates and, of all things, Nazi death camps. These allegations wantonly malign Mr. Ciravolo and demean the proceedings before the Court. Charitably put, they can be called an act of desperation that nonetheless demand response.

As the Court will recall, Mr. Ciravolo will be the testifying expert for the United States at the upcoming August 1, 2023 preliminary injunction hearing. As the Court will also recall, at Defendants' deposition of Mr. Ciravolo, Defendants questioned Mr. Ciravolo about Ben Thomas. As Defendants know, Mr. Ciravolo has never met Mr. Thomas and, notably, Defendants will not be calling Mr. Thomas as a witness at the upcoming preliminary injunction hearing.

Mr. Thomas had business dealings with Spike's Tactical, a company owned in part by Cole Leleux, who is a key player in RBT's operations. Defendant Lawrence DeMonico had a relationship of some kind with Mr. Thomas, which may have led to Mr. Thomas's dealings with Spike's Tactical in the first place. It appears that the business dealings between Spike's Tactical and Mr. Thomas soured; Spike's Tactical filed a lawsuit against Mr. Thomas in 2018 concerning conduct that ended

in 2017. According to the declaration from Mr. Hill, Mr. Hill cooperated with Spike's Tactical in the lawsuit. The lawsuit resulted in a judgment against Mr. Thomas in 2020. Defendant Kevin Maxwell was the attorney who litigated the matter on behalf of Spike's Tactical.

Defendants intend to offer the declaration of Mr. Hill to try, somehow, to tie Mr. Ciravolo to these disputes between Mr. Thomas and Spike's Tactical. The intention, it seems, is to suggest that Mr. Ciravolo is biased because he is purportedly tied to a large group of people that includes Mr. Thomas—who was, in turn, sued by Spike's Tactical which is, in turn, tied to Mr. Leleux, who is part owner of RBT with Defendants Maxwell and DeMonico.

Much of the claimed basis for these supposed connections is Mr. Hill, who asserts that Mr. Thomas and his friends are, in effect, a violent gang with Nazi sympathies. Not only has Mr. Ciravolo never met Mr. Hill, he also does not have any idea who Mr. Hill is. That there is no connection between Mr. Ciravolo and Mr. Hill is underscored by the fact that Defendants did not ask Mr. Ciravolo any questions about Mr. Hill at Mr. Ciravolo's deposition.

In his declaration, Mr. Hill first talks of how Mr. Thomas threatened him with violence because of Mr. Hill's cooperation with Spike's Tactical.¹ He notes that Mr. Thomas produces swag that, according to Mr. Hill, incorporates imagery of a Nazi organization responsible for operating death camps. Mr. Hill then talks of something called the "Camden Mafia." He uses loaded terms like "family" and "the Consigliere" to describe it, evoking images of organized crime syndicates like La Cosa Nostra. He then claims that members of this "Mafia" retaliated in some way against Mr. Hill in support of Mr. Thomas. Mr. Hill ends his declaration by stating that he is "aware" that Mr. Ciravolo

¹ Mr. Hill claims that he reported Mr. Thomas to a sheriff in Canton, Georgia, and he attaches the business card of a Georgia sheriff to apparently suggest that there was a criminal matter opened. But, notably, there is no mention in Mr. Hill's declaration that the sheriff did anything at all in response, let alone charge Mr. Thomas.

is a member of the “Camden Mafia community.”²

These accusations are ugly, non-sensical, unsupported and uncorroborated. They also have nothing to do with Mr. Ciravolo. Nowhere in his declaration does Mr. Hill claim that Mr. Ciravolo ever threatened him, or that Mr. Ciravolo was even aware of other individuals’ purported threats. Nowhere in his declaration does Mr. Hill claim that Mr. Ciravolo ever interacted with him much less retaliated against him in any way, or that Mr. Ciravolo was even aware of any such retaliation. Nowhere does Mr. Hill state that Mr. Ciravolo even knew that there was a lawsuit between Mr. Thomas and Spike’s Tactical, let alone who was involved or the outcome of that lawsuit.³

Nowhere in his declaration does Mr. Hill state that he has ever met, ever spoken to, or, for that matter, ever even seen Mr. Ciravolo. The claim that he is “aware” of Mr. Ciravolo’s involvement in anything is without any stated basis whatsoever. It should be dismissed out of hand.

The absurdity of connecting Mr. Ciravolo to a dispute between two people he has never met, all the while implying that he is a violent Nazi sympathizer, is evident on its face. It is also an outrageous and misguided attempt to smear the name of Mr. Ciravolo (and potentially chill ATF officials from testifying in this case and future cases). As set forth in the Motion *in Limine*, Defendants argue that “[t]he central issue in this case is the proper classification of Defendants’ product, a trigger known as the FRT-15.” Rather than address Mr. Ciravolo’s expertise, Defendants have chosen to instead manufacture an inflammatory sideshow in a last-gasp effort to avoid having the Court address the merits of its arguments.

² As far as the United States understands it, the “Camden Mafia” is (or was) some loose affiliation of business owners who were friends. Mr. Ciravolo has never been a member of this group; he never owned a business; and he never lived nor worked in Camden. Mr. Hill makes reference to “NSR Tactical.” NSR Tactical is a company that sells holsters for firearms. Yes, Mr. Ciravolo has purchased items from NSR Tactical. NSR Tactical also has a Facebook group with tens of thousands of members. How all of that connects Mr. Ciravolo to Mr. Thomas is a mystery that Mr. Hill’s declaration does not even attempt to explain.

³ Mr. Ciravolo was not aware of the lawsuit prior to his learning of it as part of this very Motion *in Limine*.

For the foregoing reasons, and for the reasons stated in its Motion *in Limine*, the Court should grant the United States' Motion *in Limine*. These sordid allegations have nothing to do with the issues before the Court; taking them up has already been an utter waste of time and has served only to harass Mr. Ciravolo. Any further discussion of these allegations would serve no legitimate purpose.

Dated: Brooklyn, New York
July 26, 2023

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cc: **BY ECF**
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